

REMARKS

I. Introduction.

Claims 1-18 are pending, and stand rejected. Claims 1-3 were rejected under 35 U.S.C. Section 112, second paragraph. Various claims and groups of claims were subject to rejections under 35 U.S.C. Section 103(a).

II. The 35 U.S.C. Section 112 Rejection.

Claims 1-3 were rejected under 35 U.S.C. Section 112, second paragraph due to the inclusion of the phrase "such as a bathroom, a shower stall, an automatic laundry or dish washing machine, a jacuzzi or a hot tub" in Claims 1-3.

This phrase has been deleted. It is respectfully requested that this rejection be withdrawn.

III. The 35 U.S.C. Section 103(a) Rejections.

A. Claims 1-3, 6, 7, 11, and 12.

Claims 1-3, 6, 7, 11, and 12 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz.

The Office Action acknowledges that the Meek reference does not specifically state that the holes (15) must be smaller than the particles (as in claim 7), or using the device to deodorize or fragrance an environment which is sometimes wet and sometimes dry. The Office Action states, however, that it would have been obvious to one of ordinary skill in the art to use the dispenser of Meek within a sauna environment, as Kurz discloses that bathroom environments are sources of odors.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Meek reference discloses a diffuser device and adjustable control means therefore. The Meek reference utilizes air treating material such as a gel, or granular absorbent pumice or other absorbent carrying volatilizable components.

Among other things, the combination of the Meek and the Kurz references is not believed to teach or disclose, and thus does not render obvious, a process or a product comprising a plurality of perfumed particles wherein at least some of said perfumed particles comprise perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claims 1-3, and their dependent claims, Claims 6, 7, 11, and 12.

B. Claims 4, 5, and 9.

Claims 4, 5, and 9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz as applied to Claim 3, and further in view of U.S. Patent 5,008,115, Lee, et al.

The Office Action acknowledges that Meek fails to teach the use of spherical, uniform, polymeric particles as the air treatment material. However, the Office Action states that Lee, et al. discloses such particles, and that it would have been obvious to use the polymeric particles of Lee, et al. in place of the granular pumice or other absorbent material of Meek, as Lee, et al teaches that the polymeric particles provide a more controlled release of active ingredient. The Lee, et al. reference is directed to a matrix for the delivery of active substances which is formed of a copolymer which can be softened at a temperature between 45° C and 160° C to incorporate the substances therein.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a product comprising a plurality of perfumed particles wherein at least some of said perfumed particles comprise perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claims 4, 5, and 9.

C. Claim 8.

Claim 8 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz as applied to Claim 3, and further in view of U.S. Patent 5,240,653, Moore.

The Office Action states that the holes in the container of Meek are all of substantially the same size. The Office Action states that Moore, however, teaches a similar type of dispensing device wherein the size and number of apertures may be selected to increase or decrease the amount of ambient air that circulates through and around the volatile material. The Office Action concludes that, given this teaching, it is deemed obvious to fabricate the device of Meek having holes of any determined size in order to optimize the characteristics of the device.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Moore reference discloses a ceiling fan air freshener that includes a porous fragrance cake impregnated with a fragrance inside a storage container. Little is said about the fragrance ingredients. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a product comprising a plurality of perfumed particles wherein at least some of said perfumed particles comprise perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claim 8.

D. Claim 10.

Claim 10 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz as applied to Claim 3, and further in view of U.S. Patent 5,240,653, Ramkissoon.

The Office Action states that the combination of references is silent with respect to using different perfumed particles. The Office Action further states that Ramkissoon reference evidences that it was known in the art of air fresheners to include more than one fragrance within a single dispenser.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Ramkissoon reference discloses a house air freshener in the form of a basket fitting that is provided for an air filter used in the air circulation ducting of a domestic dwelling and is designed to be attached directly to the duct covering grill within a room. The Ramkissoon reference does state that different air freshening mediums can be used. However, the only examples given in the Ramkissoon

reference are: flower petals and other fragrance emitting leaves, granulated charcoal powder, and a sponge saturated with a liquid germicidal agent and/or deodorizer. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a product comprising a plurality of perfumed particles comprising different perfumes wherein at least some of said perfumed particles comprise perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claim 10.

E. Claims 13, 15, and 18.

Claims 13, 15, and 18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use the dispenser of Meek within a sauna environment.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. As discussed herein, the Meek reference is not believed to teach or disclose, and thus does not render obvious, a device comprising a plurality of perfumed particles wherein at least some of said perfumed particles comprise perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claims 13, 15, and 18.

F. Claims 14 and 16.

Claims 14 and 16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use the dispenser of Meek within a sauna environment, as Kurz discloses that bathroom environments are sources of odors.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a device comprising a plurality of perfumed particles wherein at least some of said perfumed particles comprise

perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3 as claimed in Claims 14 and 16.

G. Claim 17.

Claim 17 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,240,653, Ramkissoon.


The Office Action states that Ramkissoon teaches a device including a container including different air treatment mediums, and concludes that it would have been obvious to one of ordinary skill in the art to use more than one fragrance/perfume in the container.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. As discussed above, the only examples given in the Ramkissoon reference are: flower petals and other fragrance emitting leaves, granulated charcoal powder, and a sponge saturated with a liquid germicidal agent and/or deodorizer. Among other things, the Ramkissoon reference is not believed to teach or disclose, and thus does not render obvious, a device comprising perfumed particles comprising different perfumes as claimed in Claim 17.

IV. Summary.

All of the rejections have been addressed. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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